

MUNICIPAL LAW

Western University Department of Political Science Local Government Program

Course Outline for Fall Term 2018

Instructor(s):

Ken Strong and Kelly Nenniger
D-309 Commissioners Road West, London, ON N6J 1Y4
T (519) 672-3535 F (519) 672-3565
E-mail: strong@municipallawyers.ca and nenniger@municipallawyers.ca

Office Hours: Before and After Class and By Appointment

Course Times: Friday 3 – 7 p.m., Saturdays 9 a.m. – 5 p.m.

Course Dates: September 28, 29, November 2, 3, and November 30, December 1.

All classes will be held in room 4255 SSC (Social Science Centre)

Summary of Important Dates

Date	Event
28 September 2018	Class #1 – Intro to Law
29 September 2018	Class #2 – Nuts and Bolts of the <i>Municipal Act, 2001</i> Take home test 1 assigned (20% final grade)
1 November 2018	Take home test 1 due
2 November 2018	Class #3 – Making, Challenging and Enforcing Municipal By-laws
3 November 2018	Class #4 – Council Day Take home test 2 assigned (20% final grade)
29 November 2018	Take home test 2 due
30 November 2018	Class #5 – Special Topics in Planning Law
1 December 2018	Class #6 – Special Topics in Municipal Law
7 December 2018	Assignment due (40% final grade)

Course Objectives:

Legal considerations play an important role in many aspects of municipal government in the Province of Ontario. The focus of this course is on legal issues that tend to arise for municipal officers, administrators and employees in Ontario. This course is not designed to make you into a lawyer. It introduces legal concepts that arise often for administrators and gives you the tools you need to recognize legal problems and work through them with the municipal solicitor(s).

The educational aims of this course are:

<u><i>Course Outcomes</i></u>	<u><i>Description</i></u>
<i>Knowledge and Understanding</i>	Introductory level knowledge of legal principles that students are likely to encounter as municipal administrators
	Sufficient knowledge to allow students to form a mature understanding of the role of municipal law in local government.
<i>Intellectual Skills</i>	Ability to parse a problem into its constituent sub-problems.
	Ability to create defensible arguments on local government policy recommendations and decisions using core public law principles, and correspondingly to critique the arguments of others.
<i>Practical Skills</i>	Ability to read and digest legal material.
	Ability to discuss and write about legal issues, together with their practical and policy implications.
<i>Transferrable Skills</i>	Introduction to the IRAC model (Issue, Rule, Analysis and Conclusion) as a means to assist problem solving.
	Introduction to the principles of statutory interpretation.
	Ability to master, organize, and use novel and complex information.
	Ability to communicate orally and in writing.

Expectations for Class

Self-study of the course material is expected to be completed before class, and forms the core of the knowledge-building experience. We cannot emphasize strongly enough that students need to complete the assigned readings prior to each class so they are prepared to contribute to class discussions and group work.

Understanding is enhanced through class lectures, discussions, exercises and group work. The course is designed to invite discussion and thought not only of municipal law principles but also their economic, social, and real world effects. Students are asked to differentiate between issues and tackle them one at a time. Class exercises and discussions are conducive to developing arguments and gaining support or opposition from their peers. Students are expected to develop the ability to discuss and write about the legislation, cases and secondary materials they are exposed to in this course.

The use of electronic aids such as laptops, cell phones and tablets will not be necessary for this course. We discourage any use of these devices during class time for anything other than reference to legislation, class materials and note taking.

Course Materials:

No text books are required for this course. The reading materials are posted on OWL. If you are unable to receive them in this manner, kindly let one of the instructors know and they can be emailed to you in WORD format. The core legislation we will be referencing is the ***Municipal Act, 2001*** and the ***Planning Act***. These are available online at: <http://www.ontario.ca/laws>. You should be able to have access to these statutes during class. We will also be referencing other legislation, policies and plans throughout the course and provide references in the materials posted on OWL to assist students with finding these resources when required.

Course Requirements and Evaluation

The components of student evaluations are summarized in the following chart:

Component	Value	Due Date
Class Participation	20%	Throughout
Take-home test 1	20%	November 1, 5:00 p.m.
Take-home test 2	20%	November 30, 5:00 p.m.
Assignment	40%	December 8, 2017

All Assignments shall be double spaced, in sentences and paragraph format (no point form) and in 12 point font, submitted by email at or before the due date and time to nenniger@municipallawyers.ca and strong@municipallawyers.ca.

Assignments submitted after the due date without prior approval from the instructors will be subject to a late penalty of 2% per day, weekends included. In general, the late penalty may be waived only due to medical or family emergencies.

No plagiarism or unoriginal work will be tolerated.

These components are more thoroughly described below.

Class Participation (20%)

Quality of student comments is more important than quantity. We will be looking for students to demonstrate their knowledge of the reading materials and lecture materials during class, as well as their ability to synthesize and critically discuss these materials. We encourage an interactive environment and provide opportunities for participation through class discussion, group work and informal question periods. We encourage a positive, inclusive, and supportive learning environment. We discourage negative comments and attitudes. We expect all students to participate in group and class discussions. We will be taking attendance and your attendance will have a significant impact on your participation mark.

Take-home Tests (20% each; 40% total)

Students are required to complete two online, multiple choice tests throughout the course to show their comprehension and recall of the course material. The questions will be based on the assigned written materials and the in-class lectures and discussions. The tests are open-book. There are two versions of each test, and students can take each test up to two times. The higher mark will be counted for each test.

Assignment (40%)

For this assignment, students will prepare a written staff report with recommendations to Council based on the assigned fact pattern. The report should be approximately 10 pages long, double-spaced, in 12-point font. The assignment is due on December 7, 2018 at 5:00 p.m., however, students are encouraged to think about the issues throughout the course.

Schedule of Topics and Readings

Date	Topic	Required Reading
28 Sept	Introductions	Course Outline
	Introduction to Law <ul style="list-style-type: none"> • Sources and Structure of the Law • Overview of Areas of Law 	Course Package 1
	Procedural Fairness	
	Legal Problem Solving	
	Intro to Planning Law	
29 Sept	Structure and Types of Powers of Municipal Governments <ul style="list-style-type: none"> • Constitutional Position of Municipalities and Implications • Municipalities as Bodies Corporate • Exercise of Powers 	Course Package 2
	Municipal Powers <ul style="list-style-type: none"> • General Municipal Powers • Specific Municipal Powers 	
2 Nov	Rule of Law Principles	Course Package 3
	Law-making, Regulation and Enforcement <ul style="list-style-type: none"> • Manifestation of Municipal Decisions • Challenging and Defending Municipal Decisions • Enforcing Municipal By-laws 	
3 Nov	Council Meetings <ul style="list-style-type: none"> • Meetings • Accountability and Transparency • Conflict of Interest 	Course Package 4 <i>Municipal Act, 2001, Part V.1</i>
	Municipal Organization, Delegation and Roles	<i>Municipal Conflict of Interest Act</i>
	Relationship between administrators, Councils, and solicitors	

30 Nov	<p>Land Use Planning</p> <ul style="list-style-type: none"> • History of Planning • Purpose of Planning • Planning Tools 	<p><i>Planning Act</i></p> <p>Citizens' Guide to Land Use Planning: http://www.mah.gov.on.ca/Page338.aspx</p> <p><u>The Planning Act</u></p> <p><u>Official Plans</u></p> <p><u>Zoning Bylaws</u></p> <p><u>Subdivisions</u></p> <p><u>Land Severances</u></p> <p><u>Local Planning Appeal Tribunal</u></p> <p><u>Building Permits</u></p>
	Heritage Protection and Planning	<i>Ontario Heritage Act</i>
1 Dec	Expropriations	Community Improvement Planning Handbook 2008
	<p>Economic Development</p> <ul style="list-style-type: none"> • Tools • Obstructions <p>Community Improvement Plans</p>	http://www.mah.gov.on.ca/Page1297.aspx